

REMARKS

This is in response to the Office Action mailed July 7, 2005. The original period for response is a shortened statutory period of three months from the mailing date of the Office Action, making this Reply due October 7, 2005. Accordingly, this Reply is timely filed.

The pending claims are 1-28. Claims 3-5, 7-11, 14-16 and 18-28 comprise "allowable subject matter," pending their rewriting in independent form, in which are included all of the limitations of the base claim, and any intervening claims.

Some of the original claims have been amended, and new claims have been added.

Currently rejected claim 1 has been amended to include a limitation providing that the internally-threaded nut positioned at the top of the hollow outer tube is "rotatably-driven."

Currently rejected claim 12 includes a new limitation, i.e., "an internally-threaded, rotatably-driven nut positioned at the top of the hollow outer tube." In related claim 13, which depends upon currently rejected claim 12, the limitation directed to "an internally-threaded nut positioned at the top of the hollow outer tube" has been deleted.

Claim 22 was said by the Examiner to be allowable, if it was rewritten to include the limitations of claim 12. claim 22 has now in fact been amended so as to include the limitations of claim 12.

Claims 2-11, 14-21, and 23-28 have not been amended.

Claims 29 and 30 are new.

As indicated above, while some of the claims have been deemed allowable, claims 1, 2, 6, 12, 13, and 17 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over a single reference, i.e., United States Patent No. 2,968,440 to Cone (hereinafter "Cone"). For the reasons that follow, it is submitted that the claims as amended are in condition for allowance. A timely Notice to that effect is respectfully solicited.

According to column 1 of Cone, the device described in that patent is a conventional sprinkler system that includes a vertically adjusted head. This sprinkler head is of the type used

in “embedded sprinkler systems which consist of an underground piping system made up of a plurality of feed lines...”

In contrast, the present invention is related to a firefighting monitor. Firefighting monitors are not mounted below the ground, as is the system and the sprinkler heads of Cone. Rather, as indicated at page 1 of the present specification, firefighting monitors are mounted to the horizontal decks of fire trucks, and can be used to fight large building or high-rise fires, or in other situations where high water pressures are needed. The systems of the present invention are thus completely different from the systems of Cone.

Claims 1 and 12, as originally presented, were directed to “a waterway for raising and lowering a firefighting monitor.” As such, the originally presented claims defined a device that is completely different from the device of the Cone reference. Cone discloses nothing about a firefighting monitor. Moreover, special problems arise as a result of the exposure of firefighting monitors to ambient air, salt spray, dirt, tar, and solvents from roads, and as a result of the almost incomparably hostile outdoor conditions found at the scene of a rapidly burning building or plant. Such problems are simply not found in the cool and relatively benign underground environment in which the devices of Cone operate. In addition, the water pressures and water flow rates that arise in the Cone sprinkler devices are dwarfed by the water pressures and water flow rates that are experienced by the device of the present invention. For this reason alone, it is submitted that the original invention of original claims 1 and 12 were allowable, as originally written.

However, in order to further distinguish over the Cone reference, an additional limitation has been added to claims 1 and 12. Particularly, each of claims 1 and 12 now includes a limitation directed to “an internally-threaded, *rotatably-driven* nut positioned at the top of the hollow outer tube.” Support for this rotatably-driven nut amendment can be found in the specification at page 2, lines 22-25 (“..the actuator comprises an internally-threaded nut...a drive mechanism is operably connected to the internally-threaded nut”); page 5, lines 26-27 (“(t)he internally-threaded nut 14 may be a rotating nut...”); and page 6, line 13 (“a drive mechanism 22 is operably connected to the internally-threaded nut 14”).

This kind of structure is highly desirable for a firefighting monitor. Because of the relatively large size and weights of the components that make up a firefighting monitor, and because it is the hollow inner tube 18 of the firefighting monitor that is moved upwardly or downwardly (see specification, page 6, lines 17-19), it is highly preferably that the internally threaded nut is moved with a drive mechanism.

Cone does not disclose or suggest any kind of a drive mechanism. Thus, without a drive mechanism, Cone cannot possibly have a *driven* internally-threaded nut, as required by the present amended claims. For this reason alone, the invention of amended claims 1 and 12 is not anticipated or rendered obvious by Cone.

But there is another reason why the invention of amended claims 1 and 12 is patentable over the Cone reference. Particularly, nothing in Cone teaches or suggests a *rotating* internally threaded nut. According to page 2 of the Office Action, the element in that reference that is said to correspond to the “internally threaded nut” of the present invention is item 16 in Cone. At column 2, lines 59-61 of the Cone patent, this item 16 is said to be a “retaining nut or adapter member 16.”

In each place in the Cone specification where this nut 16 is shown or described, it is clear that the nut 16 is fixed or stationary. See Cone, column 7, claim 3, lines 20-24 (“...in such a way as to *hold said nut in predetermined fixed position...*”); column 8, claim 7, lines 17-20 (“said lower extension and said shoulder being bonded together to *anchor said nut* against said base...”); column 8, claim 8, lines 47-50 (“...said nut further having a plurality of ears extending radially from the outer circumference thereof for disposition in a respective ear receiving slot...”). Figure 1 of Cone further confirms the fixed and immovable nature of this nut 16.

This is not surprising, in that the Cone device seems to be rotated by virtue of the turning of an element at the top of that device. See Cone, Fig. 1, item 38, and see column 3, lines 44-55.

Accordingly, there is nothing in Cone that teaches or suggests a rotatably driven, internally-threaded nut. Thus, amended claims 1 and 12, which include this limitation, are patentable over Cone.

The only remaining claims dependent on claim 1 which were not originally deemed allowable—claims 2 and 6—should now be allowable, as they depend directly or indirectly on allowable, amended claim 1.

The only remaining claims dependent on claim 12 which were not originally deemed allowable—claims 13 and 17—should now be allowable, as they depend directly on allowable amended claim 12.

New claims 29 and 30 depend upon amended and allowable claims 1 and 12, respectively. As such, claims 29 and 30 are also allowable. Support for the limitations in claims 29 and 30 may be found in the original specification, at page 9, lines 11-15.


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CONCLUSION

Applicants respectfully request that a timely Notice of Allowance be issued in this case.

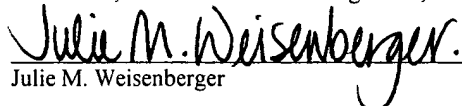
Respectfully submitted,

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By: 
Daniel N. Christus, Registration No. 29,626
Customer No. 23424
Wallenstein Wagner & Rockey, Ltd.
311 South Wacker Drive, 53rd Floor
Chicago, Illinois 60606-6630
312-554-3300
Attorneys for Applicants

CERTIFICATE UNDER (37 C.F.R. § 1.8a)

I hereby certify that this correspondence is, on the date shown below, being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on August 15, 2005.


Julie M. Weisenberger